



General Assembly

January Session, 2003

Amendment

LCO No. 7001

SB0107107001SD0

Offered by:

SEN. FONFARA, 1st Dist.

To: Senate Bill No. 1071

File No. 305

Cal. No. 199

"AN ACT CONCERNING PLANNING AND ZONING."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subparagraph (B) of subdivision (7) of subsection (c) of
4 section 7-148 of the general statutes is repealed and the following is
5 substituted in lieu thereof (*Effective October 1, 2003*):

6 (B) (i) Regulate and prohibit, in a manner not inconsistent with the
7 general statutes, traffic, the operation of vehicles on streets and
8 highways, off-street parking and on-street residential neighborhood
9 parking areas in which on-street parking is limited to residents of a
10 given neighborhood, as determined by the municipality;

11 (ii) Regulate the speed of vehicles, subject to the provisions of the
12 general statutes relating to the regulation of the speed of motor
13 vehicles and of animals, and the driving or leading of animals through
14 the streets;

15 (iii) Authorize parking authorities to enforce parking regulations
16 provided such authorization does not result in a reduction in the
17 number of municipal employees enforcing parking regulations who
18 are members of an employee organization, as defined in section 7-467,
19 that has a current collective bargaining agreement with the
20 municipality on the effective date of the ordinance.

21 Sec. 502. Section 7-204 of the general statutes is repealed and the
22 following is substituted in lieu thereof (*Effective October 1, 2003*):

23 Such parking authority or parking division shall have the power, in
24 the name of the municipality, to (1) create, establish, and expand
25 wherever built by such municipality, off-street parking facilities; (2)
26 acquire by purchase, gift, devise, lease or condemnation, subject to the
27 provisions of section 48-6, real property or any interest therein
28 necessary for or incidental to the construction, maintenance, operation,
29 or expansion of off-street parking facilities, provided such authority
30 shall not be empowered to take by eminent domain any property from
31 a corporation which has the right of eminent domain, and this chapter
32 shall not affect the powers of eminent domain of any such corporation;
33 prepare necessary plans and drawings; (3) construct or cause to be
34 constructed parking facilities; (4) maintain and operate parking
35 facilities; (5) establish and collect reasonable off-street parking fees; (6)
36 give, grant or sell any real property owned by such parking authority
37 to the municipality; dedicate any real property owned by such parking
38 authority to the public purposes for a street or highway; [and] (7) lease
39 parking facilities or such expanded parking facilities as may be
40 provided, and already subject to lease, to any public agency,
41 individual, firm, corporation or hospital, as defined by subsection (b)
42 of section 19a-490, upon such terms and conditions as the public
43 interest may warrant; and (8) enforce parking regulations in the
44 municipality in accordance with the terms of an ordinance adopted by
45 the municipality.

46 Sec. 503. Section 7-207a of the general statutes is repealed and the
47 following is substituted in lieu thereof (*Effective October 1, 2003*):

48 Any municipality may, by ordinance, (1) authorize its parking
49 authority or parking division to collect and receive all revenue from
50 parking meters located on public streets in the municipality or to
51 establish metered on-street parking zones, and (2) authorize its
52 parking authority to receive the amount remitted to the municipality
53 for parking violations under subsection (b) of section 51-56a. All
54 existing parking meters, upon the adoption of such ordinance, shall
55 become the property of the parking authority or parking division and
56 such authority or division shall succeed to all the obligations of such
57 municipality relative to payment for such meters. The revenues from
58 such meters shall be used by such authority or division for the
59 regulation and control of the parking of vehicles in parking meter on-
60 street and off-street zones, for the cost of purchase, installation,
61 operation, inspection, supervision and maintenance of parking meters,
62 for acquiring, operating and maintaining off-street parking facilities
63 and to fulfill pledges made under the provisions of section 7-206 for
64 the payment of bonds.

65 Sec. 504. Section 14-150 of the general statutes is repealed and the
66 following is substituted in lieu thereof (*Effective October 1, 2003*):

67 (a) Any person who abandons any motor vehicle within the limits of
68 any highway or upon property other than such person's own without
69 the consent of the owner thereof for a period longer than twenty-four
70 hours shall have committed an infraction and shall be fined not less
71 than eighty-five dollars. The last owner of record of a motor vehicle
72 found abandoned, as shown by the files of the Department of Motor
73 Vehicles, shall be deemed prima facie to have been the owner of such
74 motor vehicle at the time it was abandoned and the person who
75 abandoned the same or caused or procured its abandonment.

76 (b) Any inspector of the Department of Motor Vehicles, any officer
77 attached to an organized police department, any enforcement officer of
78 a parking authority authorized to enforce parking regulations in the
79 municipality in which it is located or any state police officer upon
80 discovery of any motor vehicle, whether situated within or without

81 any highway of this state, which is a menace to traffic or public health
82 or safety, shall take such motor vehicle into such inspector's or officer's
83 custody and cause the same to be taken to and stored in a suitable
84 place.

85 (c) Any inspector of the Department of Motor Vehicles, any officer
86 attached to an organized police department, any enforcement officer of
87 a parking authority authorized to enforce parking regulations in the
88 municipality in which it is located or any state police officer, upon
89 discovery of any motor vehicle apparently abandoned or a motor
90 vehicle without proper registration, whether situated within or
91 without any highway of this state, shall affix to such motor vehicle a
92 notification sticker in a manner so as to be readily visible. This
93 notification sticker shall contain the following information: (1) The
94 date and time the notification sticker was affixed to the motor vehicle;
95 (2) a statement that pursuant to this section, if the motor vehicle is not
96 removed within twenty-four hours of the time the sticker was affixed,
97 it shall be taken into custody and stored at the owner's expense; (3) the
98 location and telephone number where additional information may be
99 obtained; and (4) the identity of the affixing officer. If the motor vehicle
100 is not removed within such twenty-four-hour period, the affixing
101 department or parking authority shall take such motor vehicle into its
102 custody and cause the same to be stored in a suitable place, except that
103 such department or parking authority shall make a reasonable attempt
104 to notify the owner of any such motor vehicle which is determined to
105 be stolen prior to taking such vehicle into its custody and shall allow
106 such owner to make arrangements for removal of such vehicle.

107 (d) If the motor vehicle has no registration marker plates or invalid
108 registration marker plates, and if such inspector or officer makes a
109 determination in good faith that (1) the motor vehicle is apparently
110 abandoned, (2) the market value of such motor vehicle in its current
111 condition is five hundred dollars or less, and (3) the motor vehicle is so
112 vandalized, damaged, or in disrepair as to be unusable as a motor
113 vehicle, title to such motor vehicle shall, upon taking custody of such
114 motor vehicle, immediately vest in the municipality in which the

115 motor vehicle was discovered. Within forty-eight hours of the time
116 that such motor vehicle is taken into custody, the affixing department
117 or parking authority shall notify the Commissioner of Motor Vehicles,
118 in writing, of the vehicle identification number and a description of the
119 motor vehicle. Upon sale or other disposition of the motor vehicle, the
120 affixing department or parking authority shall give written notice by
121 certified mail to the person who was the owner of such motor vehicle
122 at the time of abandonment, if known, which notice shall state that the
123 motor vehicle has been sold or otherwise disposed of. The proceeds of
124 the sale or disposition, or the fair market value of the motor vehicle in
125 its current condition, whichever is greater, less the towing and sale or
126 disposal expenses and the amount of any fines due, shall be paid to
127 such person or such person's representatives, if claimed by such
128 person or them within one year from the date of sale. If such balance is
129 not claimed within such period, it shall escheat to the municipality. If
130 the expenses incurred by the municipality for towing and the sale or
131 disposition of such motor vehicle and any such fines exceed the
132 proceeds of such sale or disposition, such person shall be liable to such
133 municipality for such excess amount.

134 (e) Within forty-eight hours of the time that a motor vehicle is taken
135 into custody and stored pursuant to subsection (b) or (c) of this section,
136 the affixing department or parking authority shall give written notice
137 by certified mail to the owner of such motor vehicle, if known, which
138 notice shall state (1) that the motor vehicle has been taken into custody
139 and stored, (2) the location of storage of the motor vehicle, (3) that,
140 unless title has already vested in the municipality pursuant to
141 subsection (d), such motor vehicle may be sold after fifteen days if the
142 market value of such motor vehicle does not exceed one thousand five
143 hundred dollars or after forty-five days if the value of such motor
144 vehicle exceeds one thousand five hundred dollars, and (4) that the
145 owner has a right to contest the validity of such taking by application,
146 on a form prescribed by the Commissioner of Motor Vehicles, to the
147 hearing officer named in such notice within ten days from the date of
148 such notice. Such application forms shall be made readily available to

149 the public at all offices of the Department of Motor Vehicles, [and at
150 all] parking authorities authorized to enforce parking regulations and
151 state and local police departments.

152 (f) (1) The chief executive officer of each town shall appoint a
153 suitable person, who shall not be a member of any state or local police
154 department, to be a hearing officer to hear applications to determine
155 whether or not the towing within such municipality of such motor
156 vehicle was authorized under the provisions of this section. Two or
157 more towns may join in appointing such hearing officer; provided any
158 such hearing shall be held at a location which is as near to the town
159 within which such motor vehicle was towed as is reasonable and
160 practicable. The commissioner shall establish by regulation the
161 qualifications necessary for hearing officers and procedures for the
162 holding of such hearings. If it is determined at such hearing that the
163 vehicle was not a menace to traffic, abandoned or unregistered, as the
164 case may be, the owner of such motor vehicle shall not be liable for any
165 expenses incurred as a result of the taking and storage of such motor
166 vehicle, the lien provisions of this section shall not apply to such
167 owner, and the department which took and stored such motor vehicle
168 shall be liable for such expenses. If the owner, prior to such
169 determination, pays such expenses and the storage charges of such
170 motor vehicle, and it is determined at such hearing that the motor
171 vehicle was not a menace to traffic, abandoned or unregistered, as the
172 case may be, the department or parking authority which took such
173 motor vehicle shall be liable to such owner for the amount paid by
174 such owner. Any person aggrieved by the decision of such hearing
175 officer may, within fifteen days of the notice of such decision, appeal to
176 the superior court for the judicial district wherein such hearing was
177 held.

178 (2) The chief executive officer of each municipality shall designate a
179 suitable person who shall be responsible for the collection of data
180 concerning abandoned motor vehicles within such municipality and
181 the preparation and submission of periodic reports to the
182 Commissioner of Motor Vehicles which shall contain such information

183 as the commissioner may require.

184 (g) The owner or keeper of any garage or other place where such
185 motor vehicle is stored shall have a lien upon the same for such
186 owner's or keeper's storage charges. Unless title has already vested in
187 the municipality pursuant to subsection (d) of this section, if the
188 current market value of such motor vehicle as determined in good
189 faith by such owner or keeper does not exceed one thousand five
190 hundred dollars and such motor vehicle has been stored for a period of
191 not less than fifteen days, such owner or keeper may, unless an
192 application filed by the owner pursuant to subsection (d) of this
193 section is pending and the owner of such motor vehicle has notified
194 such owner or keeper that such application for hearing has been filed,
195 sell the same for storage and towing charges owed thereon, provided a
196 notice of intent to sell shall be sent to the commissioner and the owner
197 of such motor vehicle, if known, five days before the sale of such
198 vehicle. If the current market value of such motor vehicle as
199 determined in good faith by such owner or keeper exceeds one
200 thousand five hundred dollars and if such motor vehicle has been so
201 stored for a period of forty-five days, such owner or keeper shall,
202 unless an application filed by the owner pursuant to subsection (d) of
203 this section is pending and the owner of such motor vehicle has
204 notified such owner or keeper that such application for hearing has
205 been filed, sell the same at public auction for cash, at such owner's or
206 keeper's place of business, and apply the avails of such sale toward the
207 payment of such owner's or keeper's charges and the payment of any
208 debt or obligation incurred by the officer who placed the same in
209 storage, provided if the last place of abode of the owner of such motor
210 vehicle is known to or may be ascertained by such garage owner or
211 keeper by the exercise of reasonable diligence, notice of the time and
212 place of sale shall be given to such owner by mailing such notice to
213 such owner in a registered or certified letter, postage paid, at such last
214 usual place of abode, at least five days before the time of sale. At any
215 public auction held pursuant to this subsection, such garage owner or
216 keeper may set a minimum bid equal to the amount of such owner's or

217 keeper's charges and obligations with respect to the tow and storage of
218 the motor vehicle. If no such bid is made, such owner or keeper may
219 sell or dispose of such vehicle.

220 (h) The garage owner or keeper shall report the sales price, storing,
221 towing and repair charges, if any; buyer's name and address;
222 identification of the vehicle and such other information as may be
223 required in regulations which shall be adopted by the commissioner in
224 accordance with the provisions of chapter 54, to the commissioner
225 within fifteen days after the sale of the motor vehicle. The proceeds of
226 such sale, after deducting the amount due such garage owner or
227 keeper and all expenses connected with such sale, including the
228 expenses of the officer who placed such motor vehicle in storage, shall
229 be paid to the owner of such motor vehicle or such owner's legal
230 representatives, if claimed by such owner or them at any time within
231 one year from the date of such sale. If such balance is not claimed
232 within said period, it shall escheat to the state.

233 (i) If the owner of such motor vehicle placed in storage in
234 accordance with the provisions of this section does not claim such
235 motor vehicle within thirty days, the owner of such garage or other
236 place of storage shall, within forty days of the date such motor vehicle
237 was placed in storage with such owner, send a written notice to the
238 commissioner, stating the make, engine number and chassis number of
239 such motor vehicle, the date such motor vehicle was left with such
240 owner for storage and by whom and the registration number thereof if
241 any number plates are on such motor vehicle, which notice shall be
242 placed on file by the commissioner and shall be subject to public
243 inspection. The fee for filing such notice shall be five dollars. Any sale
244 under the provisions of this section shall be void, unless the notice
245 required by this section has been given to the commissioner.

246 (j) The Commissioner of Motor Vehicles shall adopt regulations, in
247 accordance with the provisions of chapter 54, (1) specifying the
248 circumstances under which title to any motor vehicle abandoned
249 within the limits of any highway may be transferred to any person,

250 firm or corporation towing such vehicle, and (2) establishing the
251 procedure whereby such person, firm or corporation may obtain title
252 to such motor vehicle.

253 Sec. 505. Section 14-33 of the general statutes is repealed and the
254 following is substituted in lieu thereof (*Effective October 1, 2003*):

255 (a) If any property tax, or any installment thereof, laid by any city,
256 town, borough or other taxing district upon a registered motor vehicle
257 or snowmobile remains unpaid, the tax collector of such city, town,
258 borough or other taxing district shall notify the Commissioner of
259 Motor Vehicles of such delinquency in accordance with listings and
260 schedules of dates established by the commissioner and on forms
261 prescribed and furnished by him, specifying the name and address of
262 the person against whom such tax has been assessed, the date when
263 such tax was due and the registration number, if known to the
264 collector. The commissioner shall not issue registration for such motor
265 vehicle or snowmobile for the next registration period if, according to
266 his records, it is then owned by the person against whom such tax has
267 been assessed or by any person to whom such vehicle has not been
268 transferred by bona fide sale. Unless notice has been received by the
269 commissioner under the provisions of section 14-33a, no such
270 registration shall be issued until a receipt evidencing the payment of
271 such tax or certificate of abatement of such tax or other satisfactory
272 evidence that the tax obligation has been legally discharged has been
273 presented to the commissioner; nor shall the commissioner register any
274 other motor vehicle or snowmobile in the name of such person until a
275 receipt evidencing the payment of such tax or a certificate of abatement
276 of such tax or other satisfactory evidence that the tax obligation has
277 been legally discharged has been presented to the commissioner,
278 except that the commissioner may continue to register other vehicles
279 owned by a leasing or rental firm licensed pursuant to section 14-15, if
280 he is satisfied that arrangements have been made to discharge such tax
281 obligation, and may issue such registration to any private owner of
282 three or more paratransit vehicles in direct proportion to the
283 percentage of total tax due on such vehicles which has been paid and

284 notice of payment on which has been received. The Commissioner of
285 Motor Vehicles may immediately suspend all motor vehicle or
286 snowmobile registrations issued in the name of any person (1) who has
287 been reported as delinquent and whose registration was renewed
288 through an error or through the production of false evidence that the
289 delinquent tax had been paid, or (2) who has been reported by a tax
290 collector as having paid a property tax on a motor vehicle or
291 snowmobile with a check which was dishonored by a bank and such
292 tax remains unpaid. Any person aggrieved by any action of the
293 commissioner under this section may appeal therefrom in the manner
294 provided in section 14-134. For the purposes of this subsection,
295 "paratransit vehicle" means a motor bus, taxicab or motor vehicle in
296 livery service operated under a certificate of convenience and necessity
297 issued by the Department of Transportation or by a transit district and
298 which is on call or demand or used for the transportation of
299 passengers for hire.

300 (b) Notwithstanding the provisions of subsection (a) of this section,
301 the Commissioner of Motor Vehicles, in consultation with the
302 Treasurer and the Secretary of the Office of Policy and Management,
303 may enter into an agreement with the tax collector of any city, town,
304 borough or other taxing district whereby the commissioner shall
305 collect any property tax or any installment thereof on a registered
306 motor vehicle which remains unpaid from any person against whom
307 such tax has been assessed who makes application for registration for
308 such motor vehicle. Each such agreement shall include a procedure for
309 the remission of taxes collected to the city, town, borough or other
310 taxing district, on a regular basis, and may provide that a fee be paid
311 by the city, town, borough or other taxing district to the commissioner
312 to cover any costs associated with the administration of the agreement.
313 In the event an agreement is in effect, the commissioner shall
314 immediately issue a registration for a motor vehicle owned by a person
315 against whom such tax has been assessed upon receipt of payment of
316 such tax and a service fee of two dollars, in addition to the fee
317 prescribed for the renewal of the registration.

318 (c) On and after March 1, 1989, any municipality may participate in
319 a program administered by the Commissioner of Motor Vehicles to
320 facilitate the payment of fines for parking violations. If any such
321 municipality elects to participate in such program, it shall provide for a
322 notice of violation to be served personally upon the operator of a
323 motor vehicle who is present at the time of service. If the operator is
324 not present, the notice shall be served upon the owner of the motor
325 vehicle by affixing notice to said vehicle in a conspicuous place. In the
326 case of any motor vehicle that is leased or rented by the owner, not
327 more than thirty days after the initial notice of a parking violation for
328 which a fine remains unpaid at such time, a second notice of violation
329 shall be mailed to the address of record of the business leasing or
330 renting the motor vehicle to such operator. No fines or penalties shall
331 accrue to the owner of such rented or leased vehicle for the violation
332 for a period of sixty days after the second notice is mailed. A
333 participating municipality shall notify the commissioner of every
334 owner of a registered motor vehicle who has unpaid fines for more
335 than five parking violations committed within such municipality on
336 and after March 1, 1989. Upon receipt of such notification, the
337 commissioner shall not issue or renew the motor vehicle registration of
338 such person until he receives notification from such municipality that
339 the delinquent fines have been paid.

340 (d) The provisions of [this subsection] subsection (c) of this section
341 shall not apply to any person, firm or corporation engaged in the
342 business of leasing or renting motor vehicles without drivers in this
343 state with respect to any motor vehicle which is leased or rented. The
344 commissioner shall adopt regulations, in accordance with chapter 54,
345 to implement the provisions of [this subsection] subsection (c) of this
346 section."